

32692

Customer Number

Patent
Case No.: 48317US030

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: JAPUNTICH, DANIEL A.
Application No.: 09/678580 Group Art Unit: 3743
Filed: October 3, 2000 Examiner: Aaron J. Lewis
Title: FIBROUS FILTRATION FACE MASK HAVING A NEW
UNIDIRECTIONAL FLUID VALVE

INFORMATION DISCLOSURE STATEMENT

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p>CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]</p> <p>I hereby certify that this correspondence is being:</p> <p><input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p><input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.</p> <p>February 25, 2005 Date</p> <p><i>Susan M. Dacko</i> Signed by: Susan M. Dacko</p>

Dear Sir:

Pursuant to 37 CFR §§ 1.56, 1.97, and 1.98, enclosed is a completed Form PTO-1449, citing references submitted for consideration by the Examiner. It is respectfully requested that the Examiner initial and return the enclosed Form PTO-1449 to indicate that each reference has been considered.

Copies of any cited foreign patents, foreign publications, non-patent literature documents, and any pending U.S. applications filed before June 30, 2003, are enclosed. Copies of any pending U.S. applications filed after June 30, 2003 that can be accessed on the USPTO's IFW system are not enclosed as per USPTO Waiver dated September 21, 2004. Copies of any U.S. patents and published U.S. patent applications are not enclosed.

Please be informed that applicants have brought suit against Moldex Metric Inc. and the Louis M. Gerson Company for patent infringement of U.S. Patent 6,843,248 B2 to Japuntich et al. This patent is in the same family as the present application since it too claims priority to the same parent applications. The respiratory mask that is sold by Moldex and that is the subject of the lawsuit includes the valve that is published in U.S. Patent 6,047,698 to Magidson et al. The Gerson Company sells filtering face masks that use a LPD valve that can be viewed on the Gerson website

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at www.gersonco.com. The lawsuits against both Moldex and Gerson are pending in the United States District Court for the District of Minnesota under court docket numbers 03-5292 MJD/JGL and 05-CV-26 (MJD/JGL), respectively. Please let applicant's attorney know if additional information is need with respect to these lawsuits.

A Request for Continued Examination under 37 CFR § 1.114 is being filed concurrently, thus it is believed that no fee is due for this Information Disclosure Statement.

Respectfully submitted,

February 25, 2005

Date

By:

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Office of Intellectual Property Counsel
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Substitute for form 1449A/PTO (modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) Page 1 of 1	Application Number	09/678580
	Filing Date	October 3, 2000
	First Named Inventor	Japuntich, Daniel A.
	Art Unit	3743
	Examiner Name	Aaron J. Lewis
	Attorney Case Number	48317US030

U.S. Patent Documents					
Exam. Init.*	Cite No.	Document Number Doc. Number-(Kind Code If Known)	Publication Date or Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US-			
	A2	US-			
	A3	US-			
	A4	US-			
	A5	US-			
	A6	US-			
	A7	US-			
	A8	US-			
	A9	US-			
	A10	US-			
	A11	US-			

Foreign Patent Documents							
Exam. Init.*	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation (Check if yes)
	B1	EP	0 252 890	01-13-1988			
	B2	JP	58-168314				
	B3	JP	55-168359				
	B4						
	B5						
	B6						
	B7						

OTHER DOCUMENTS			
Exam. Init.*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation (Check if yes)
	C1	Abstracts for JP 58-168314 and JP 55-168359	
	C2		
	C3		

*Examiner:	Date Considered:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	